

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Wayne L. Geddes

v.

Civil No. 06-cv-139-JD

City of Nashua, et al.

O R D E R

While represented by counsel, Wayne L. Geddes filed a civil rights action against the City of Nashua, the chief of police, and several police officers, alleging that he was arrested without probable cause and that the officers used excessive force in the course of the arrest. He also alleged related state law claims. The court granted the defendants' motion for summary judgment as to Geddes's federal and state claims that he was arrested without probable cause.

The trial was scheduled for the period beginning on March 18, 2008, and the final pretrial conference was scheduled for March 4, 2008. On January 29, 2008, Geddes's counsel moved to withdraw, stating: "Due to irreconcilable differences regarding the conduct of the case, the undersigned is no longer able to represent Mr. Geddes consistent with Rule 11 of the Federal Rules of Civil Procedure and the New Hampshire Rules of Professional Conduct." Doc. no. 19. Geddes's counsel represented that he had advised Geddes that his options were to proceed pro se, to retain

new counsel, or to withdraw his complaint. Id. The motion to withdraw was granted the same day, setting a deadline of February 19, 2008, for Geddes to file an appearance pro se or have an appearance filed on his behalf by counsel.

On February 20, 2008, Geddes filed a motion to extend the time for him to retain new counsel. On February 21, the court granted him an extension of time until February 28 to file an appearance pro se or have an appearance filed on his behalf by counsel. The court also ordered Geddes to file his pretrial materials by February 28 or file for a continuance. The court notified Geddes that if he failed to comply with the February 28 deadline, his case would be dismissed with prejudice.

Geddes has not filed an appearance pro se or had an appearance filed on his behalf. He has not contacted the court or asked for a further extension of time or for a continuance. Therefore, Geddes failed to comply with the deadline set in the order of February 21, and the sanction of dismissing his case, of which he was notified on February 21, is now appropriate.

Conclusion

For the foregoing reasons, all of the claims brought in this case are dismissed with prejudice.

The clerk of court shall enter judgment accordingly and close the case.

SO ORDERED.

  
Joseph A. DiClerico, Jr.  
United States District Judge

March 3, 2008

cc: Brian J.S. Cullen, Esquire  
Donald E. Gardner, Esquire  
Wayne L. Geddes, Sr., pro se